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FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
07/09/1999	JOHN P. JASPER		6566
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LUNDY AND ASSOCIATES		SIEFKE, SAMUEL P	
		ART UNIT	PAPER NUMBER
E, IN 46802	•	1743	
	07/09/1999 90 08/25/2005 D ASSOCIATES Y WAYNE BUILDING STREET	07/09/1999 JOHN P. JASPER 90 08/25/2005 D ASSOCIATES Y WAYNE BUILDING STREET	07/09/1999 JOHN P. JASPER 90 08/25/2005 EXAM D ASSOCIATES Y WAYNE BUILDING STREET ART UNIT

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Advisory Action

Application No.	Applicant(s) JASPER, JOHN P.	
09/349,380		
Examiner	Art Unit	
Samuel P. Siefke	1743	

Examiner Samuel P. Siefkee 1743 THE REPLY FILED 25_JUIV 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. I. 2The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal feet) in compliance with 37 CFR 1.13; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.134. The reply must be filed within one of the following time periods: (b) The period for reply expires 6 months from the malling date of the feat rejection. (c) The period for reply expires 6 months from the malling date of the feat rejection. (c) The period for reply expires 6 months from the malling date of the Appeal (with a specific or the feat rejection). (c) The period for reply expires 6 months from the malling date of the feat rejection. (c) The period for reply expires 6 months from the malling date of the feat rejection. (c) The period for reply expires 6 months from the malling date of the feat rejection. (c) The period for reply expires 6 months from the feat rejection. (c) The period for reply expires 6 months from the feat feat purposed of the feat feature of the period of the feature feature on the feature feature of the feature feature on the feature feature of the feature feature on the feature feature of the feature feature of the feature feat	D. C. C. S. C. A. L. D. C.	09/349,300	JASPER, JOHN P.	•			
-The MAILING DATE of this communication appears on the cover sheet with the correspondence address - THE REPLY FILED 25_JUI 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. I. ∑The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal Rep in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time portice. a) ∑ The period for reply expires £ months from the mailing date of the final rejection. b) ☐ The period for reply expires £ months from the mailing date of the final rejection. b) ☐ The period for reply expires £ months from the mailing date of the final rejection. Examine Note: I Not is a checked, chack either box (a) or (b) DNIX OFICER BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFPP 705.07(f), bn.XY OFICER BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFPP 705.07(f), bn.XY OFICER BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFPP 705.07(f), bn.XY OFICE BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFPP 705.07(f), bn.XY OFICE BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFPP 705.07(f), bn.XY OFICE BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFPP 705.07(f), bn.XY OFICE BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFPP 705.07(f), bn.XY OFICE BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFPP 705.07(f), bn.XY OFICE BOX (b) WHEAT THE FIRST REPLY WAS FILED WITHIN TWO MONTHS	Before the Filing of an Appeal Brief	Examiner	Art Unit				
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1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one one of the following replies: (1) an amendment, affidavil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.1141. The reply must be filled within one of the following time periods: a) ☑ The period for reply expires on: (1) the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN THE THEM TERPLATE CONTINUED AND THEM THEM THEM THEM TERPLATE CONTINUED AND THEM THEM THEM THEM THEM TERPLATE CONTINUED AND THEM THEM THEM THEM THEM THEM THEM THEM	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress			
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no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: 1 fbo. 1 is checked, check either box (a) or (b), ONLY CHCK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the occipiation date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (a) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on	this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods: a) The period for reply expires 6 months from the mailing date	The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:					
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a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: The proposed amendments raise new issues that would require further consideration and search. Specifically "anthropopenically isotopically unaltered batched concentrations" would require further consideration. (See 37 CFR 1.116 and 41.33(a)). 1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	TWO MONTHS OF THE FINAL REJECTION. See MPEP 7 Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in comp	06.07(f). on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da bliance with 37 CFR 41.37 must be	36(a) and the appropriat of the fee. The appropriating the fee of the final Office te of the final rejection, efficed within two month	te extension fee ate extension fee be action; or (2) as even if timely filed, as of the date of			
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: The proposed amendments raise new issues that would require further consideration and search. Specifically "anthropogenically isotopically unaltered batched concentrations" would require further consideration. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	a Notice of Appeal has been filed, any reply must be filed			e appeal. Since			
appeal; and/or (d)	3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below);						
NOTE: The proposed amendments raise new issues that would require futher consderation and search. Specifically "anthropogenically isotopically unaltered batched concentrations" would require further consideration. (See 37 CFR 1.116 and 41.33(a)). 4.	appeal; and/or	X		he issues for			
 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 4.1.33(d)(1). 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)	NOTE: The proposed amendments raise new issu "anthropogenically isotopically unaltered batched	ues that would require futher consd	eration and search. S	pecifically 37 CFR 1.116			
non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) rejected: 17.18.20-41.45-50.53.54.70.84 and 90. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).	4. The amendments are not in compliance with 37 CFR 1.1.		mpliant Amendment (PTOL-324).			
how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 17.18.20-41.45-50.53.54,70.84 and 90. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)	non-allowable claim(s).	,	•	•			
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 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)	Claim(s) withdrawn from consideration:	•					
entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 13. Other: Supervisory Patent Examiner	8. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and	t before or on the date of filing a No d sufficient reasons why the affidav	otice of Appeal will <u>not</u> it or other evidence is	the entered necessary and			
REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 13. Other: Jill Warden Supervisory Patent Examiner Supervisory Patent	entered because the affidavit or other evidence failed to one showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appear y and was not earlier presented. S	al and/or appellant fail ee 37 CFR 41.33(d)(1	s to provide a).			
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 13. Other: Supervisory Patent Examiner	REQUEST FOR RECONSIDERATION/OTHER		•				
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